

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA)	
)	Criminal Number 6:05-1180
vs.)	
)	<u>EMERGENCY ORDER</u>
WENDY BOLING)	
_____)	

The above-named defendant initially appeared before this court on November 22, 2005, to answer to an indictment charging her with conspiracy to distribute methamphetamine, a violation of Title 21, United States Code, Section 846. On January 3, 2006, the defendant's bond was revoked for an intervening arrest.

It appears to the court that a psychiatric examination of the defendant should be ordered pursuant to Title 18, United States Code, Sections 4241, 4242 and 4247(b) and (c). It further appears to the court that the defendant is in need of evaluation and treatment of her drug use.

Pursuant to Title 18, United States Code, Section 3161(h)(1)(A), such time as is taken up by the examination, evaluation, treatment and hearing may be properly deemed excludable under the Speedy Trial Act.

IT IS THEREFORE ORDERED:

(a) That the defendant be ***immediately*** committed to a federal facility for such reasonable period of time as is necessary for the conduct of such examinations and evaluations as are herein requested, such period not to exceed ***forty-five (45) days from the date of admission*** to the designated facility without further order of the court.

(b) That the United States Marshal and the Bureau of Prisons are hereby ordered to ***immediately*** transport the defendant, WENDY BOLING, to such federal facility.

(c) That such psychiatric examination referred to herein be for the purpose of (1) determining whether or not, at the time of the criminal conduct alleged above, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of her acts; and (2) determining whether or not the defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense.

(d) That the psychiatric examinations be conducted by a licensed or certified psychiatrist as required by Title 18, United States Code, Section 4247(b).

(e) That the evaluation and treatment concerning the defendant's drug use be conducted by authorized personnel.

(f) That if the designated psychiatrist determines that psychological examination is necessary to completely report to the court, he is authorized to engage the services of a psychologist provided that such psychologist be a licensed or certified clinical psychologist.

(g) That upon completion of the examinations and evaluations as herein requested, the examiner(s) prepare a full report, such report to include all of the following as required by Title 18, United States Code, Section 4247(c):

- (1) The defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiners' findings; and

(4) the examiners' opinion as to diagnosis, prognosis, whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to understand the nature and consequences of the proceedings against her or to assist properly in her defense, and whether the person was insane at the time of the offense charged, using as a definition of insanity the standards set out in paragraph (a).

(h) That the reports herein requested be filed with this court and copies provided to Jessica Salvini, 101 W. Park Avenue, Greenville, SC 29601 (tel. 864-232-5800), counsel for the defendant; and Assistant United States Attorney Isaac Johnson, Jr., Post Office Box 10067, Greenville, SC 29603 (tel. 864-282-2100), as provided in Title 18, United States Code, Section 4247(c).

(i) That the time for the examinations, evaluations, treatment and subsequent hearing herein requested be excluded time in accordance with Title 18, United States Code, Section 3161(h)(1)(A), and that this case be continued for at least thirty (30) days after the date of the competency hearing.

(j) That the Clerk of Court is directed to ***immediately*** transmit a copy of this order by facsimile to both the United States Marshal and the Bureau of Prisons.

(k) That if, for any reason, the defendant is not ***immediately*** moved to a federal facility for evaluation, the United States Marshal shall so inform this court in writing, accompanied by an explanation.

IT IS SO ORDERED.

s/WILLIAM M. CATOE
UNITED STATES MAGISTRATE JUDGE

January 4, 2006

Greenville, South Carolina